

REMARKS

Favorable consideration of this application is respectfully requested in view of the above amendment and the following remarks.

Claims 1-6, 8, and 10-17 are pending in the application. Claims 10, 11, 14 and 15 have been withdrawn. Claims 1-5, 8 and 12 have been rejected. Claims 6 and 13 have been objected to. Claim 1 has been amended and claim 4 has been cancelled without prejudice. It is submitted that no new matter has been added.

Claims 1-6, 8, 12, 13, 16 and 17 have been objected to for containing non-elected subject matter. The Examiner contends that the non-elected subject matter consists of compounds of Formula I that are not the elected species.

In response, claim 1 has been amended to delete the non-elected subject matter.

In view of the above, withdrawal of the objection to claims 1-6, 8, 12, 13, 16 and 17 is respectfully requested.

Claims 1-5, 8, 12, 16 and 17 have been rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement.

In response, to facilitate prosecution claim 1 has been amended to delete the phrases 1) “or R, when present in X2 or X3, may form together with R3 a 5-8 membered ring;” and 2) “R1 is a 5-8 membered saturate carbocyclic ring, optionally containing a heteroatom selected from O and S”, and to recite “R1 is cyclohexyl or tetrahydropyranyl.”

In view of the above, withdrawal of the rejection of claims 1-5, 8, 12, 16 and 17 under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement, is respectfully requested.

Claims 1-5, 8, 12, 16 and 17 have been rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the enablement requirement.

In response, to facilitate prosecution, claim 1 has been amended as discussed above with respect to the §112 written description rejection.

In view of the above, withdrawal of the rejection of claims 1-5, 8 and 12 under 35 U.S.C. §112, first paragraph, as failing to comply with the enablement requirement is respectfully requested.

Claims 1-5, 8 and 12 have been provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-5, 8 and 9 of application ser. no. 11/506,579.

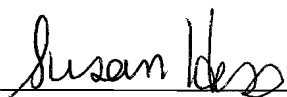
In response, Applicants request that this rejection be held in abeyance until indication by the Examiner that the pending claims are otherwise allowable.

A good faith effort has been made to place the present application in condition for allowance. If the Examiner believes a telephone conference would be of value, he is requested to call the undersigned at the number listed below.

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